

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



14/Election
w/traverse

In re application of:

ZAUDERER, M.

Appl. No. 08/935,377

Filed: September 22, 1997

For: **T Cells Specific for Target
Antigens and Vaccines Based
Thereon**

Art Unit: 1618

Examiner: Wessendorf, T.

Atty. Docket: 1821.0010000/EKS/HCC

Reply To Restriction Requirement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated December 21, 1999, requesting an election of one invention to prosecute in the above-referenced patent application, Applicant hereby provisionally elects to prosecute the invention of Group I, represented by claims 1-6. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made with traverse. The Examiner states that the methods of identifying epitopes and antigens of claims 1-6 in Group I and claims 7-16 in Group II are distinct subject matter. Applicant asserts that the methods of screening of claims 1-6 and 7-16 are used to identify and select for epitopes recognized by epitope-specific cytotoxic T cells. Thus, they have similar modes of operation, functions, and effects. Even assuming, *arguendo*, that these claims represent distinct or independent subject matter, Applicant submits that publications disclosing methods of identifying and selecting epitopes would overlap with publications disclosing methods of identifying and selecting tumor epitopes. Thus, a search and examination of the subject matter of the two groups in a single application would not be a serious burden. Accordingly, Applicant


respectfully requests that the claims of Group II also be searched and examined in the captioned application. See M.P.E.P. § 803 (Seventh Edition, Rev. July, 1998).

In light of these remarks, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of pending claims 1-16, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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Date: 1/21/00

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